

BAP Quick Reference Guide

(Revised 5/2010)

WHAT	WHO	WHEN	WHERE	REMARKS
Notice of Appeal Fed. R. Bankr. P. 8001, 8002 1st Cir. BAP L.R. 8001-2	Appellant	Within 14 days from entry of an order or judgment.	Bankruptcy Court	Counsel or all appellants must sign.
Appellant's Election to the District Court 28 U.S.C. § 158(c)(1)(A); Fed. R. Bankr. P. 8001(e); 1st Cir. BAP L.R. 8001-4	Appellant	Concurrently with the Notice of Appeal.	Bankruptcy Court	Must be a document, separate from the Notice of Appeal, and appellant must serve all parties.
Other Party's Election to the District Court 28 U.S.C. § 158(c)(1)(B); Fed. R. Bankr. P. 8001(e); 1st Cir. BAP L.R. 8001-4	Party other than appellant	Within 30 days after the Bankruptcy Court's service of the notice of appeal.	BAP	Must be a written document, separate from the Notice of Appeal and served on all parties.
Cross - Appeal Fed. R. Bankr. P. 8002(a)	Party other than appellant	Within 14 days of the date on which the first Notice of Appeal was filed.	Bankruptcy Court	Counsel or all cross-appellants must sign. An appeal and a cross-appeal will be treated as procedurally consolidated for purposes of briefing and oral argument.

Motion for Leave to Appeal Interlocutory Order Fed. R. Bankr. P. 8003; 1 st Cir. BAP L.R. 8003-1	Appellant	With the Notice of Appeal.	Bankruptcy Court	Appellant must serve on all parties. (Rules regarding Election to the District Court apply.)
Designation of the Record Fed. R. Bankr. P. 8006; 1st Cir. BAP L.R. 8006-1(a)	Appellant	Within 14 days after the later of: (1) the date of filing the notice of appeal; (2) the date of entry of an order granting leave to appeal; or (3) the date of entry of an order disposing of the last timely Rule 8002(b) motion.	Bankruptcy Court Upon request, the BAP	Appellant must serve on all parties. Upon request of the BAP, the appellant must file four copies with the BAP.
Designation of Additional Items to be Included in the Record Fed. R. Bankr. P. 8006; 1st Cir. BAP L.R. 8006-1(b)	Cross-Appellant (mandatory); Appellee (optional)	Within 14 days after service of the appellant's Statement of Issues.	Bankruptcy Court Upon request, the BAP	Must be served on all parties. Upon request of the BAP, the cross-appellant and/or appellee must file four copies with the BAP.

Statement of Issues Fed. R. Bankr. P. 8006	Appellant; Cross-Appellant	Appellant: <u>At Bankruptcy Court</u> 14 days after the later of: (1) the date of filing the notice of appeal; (2) the date of entry of an order granting leave to appeal; or (3) the date of entry of an order disposing of the last timely Rule 8002(b) motion. Cross-Appellant: within 14 days after service of the appellant's Statement of Issues.	Bankruptcy Court	Appellant and cross-appellant must serve on all parties.
Ordering Transcript Fed. R. Bankr. P. 8006, 8007(a); 1st Cir. L.R. 8007-1(b)	Appellant or appellee, if transcript is necessary.	Immediately after filing the designation of record.	Bankruptcy Court	Parties must follow requirements of Bankruptcy Court to order the transcript and to make satisfactory arrangements for payment of the transcript.
Brief - Opening Fed. R. Bankr. P. 8009(a)(1); 1st Cir. BAP L.R. 8009-1	Appellant	Within 14 days of receiving a Briefing Order from the BAP Clerk's Office; the Briefing Order issues once the Designation and Statement of Issues are docketed at the BAP.	BAP	If not filed electronically, the BAP considers the briefs and appendices filed on the date mailed.

Appendix Fed. R. Bankr. P. 8009(b); 1 st Cir. BAP R. 8009-2	Appellant (required); Appellee (optional)	With brief.	BAP	The appendix is a document separate from the brief. The appellant and/or appellee shall include only necessary portions of transcripts. If not filed electronically, they shall serve the appendix on all parties and file with the BAP an original and 4 copies.
Brief - Response Fed. R. Bankr. P. 8009(a)(2); 1 st Cir. BAP R. 8009-1(a)	Appellee	Within 14 days after service of appellant's brief.	BAP	If not filed electronically, briefs and appendices are considered filed on the date mailed.
Brief - Reply Fed. R. Bankr. P. 8009(a)(3); 1 st Cir. BAP R. 8009-1(a)	Appellant (optional)	Within 14 days after service of appellee's brief.	BAP	
Translations Required 1 st Cir. BAP L.R. 8008-1(c)	All parties	Whenever a party cites to a statute, rule or regulation, or an opinion of the Supreme Court of Puerto Rico or other court in Puerto Rico and the cited authority is not available in the bound English volumes.	BAP	An official, certified, or stipulated translation must be filed. The BAP will disregard documents not in the English language unless translations are furnished.

Motion Practice Fed. R. Bankr. P. 8011; 1st Cir. BAP R. 8008-1, 8011-1	Movant	Varies.	BAP	Movant must file written motion and signed certificate of service.
Response to Motion Fed. R. Bankr. P. 8011(a); 1 st Cir. BAP L.R. 8011-1(b)	Non-Moving Party	Within 14 days after service of motion.	BAP	Party must serve response on all parties.
Motion for Extension of Time Fed. R. Bankr. P. 8011 1st Cir. BAP R. 8008-1, 8009-1(b)	Party filing the brief or other pleading	As needed.	BAP	Movant must serve all parties. Motion must provide justification for the extension.
Emergency Motions Fed. R. Bankr. P. 8011(d); 1st Cir. BAP L.R. 8011-2	Any party	Varies.	BAP	Movant must plainly title motion as one for emergency or expedited relief and must fully disclose the circumstances warranting emergency consideration. Counsel must provide a verified statement.
Summary Disposition Fed. R. Bankr. P. 8001; 1st Cir. BAP R. 8011-1(f)	Any party or sua sponte by the BAP	Varies.	BAP	Warranted if the Panel lacks jurisdiction, if no substantial question is presented, or in cases of obvious error.

Stay Pending Appeal Fed. R. Bankr. P. 8005, 8011(c); 1st Cir. BAP L.R. 8005-1	Movant	Pursuant to Fed. R. Bankr. P. 8011(c), “relief may be denied if [motion] not presented promptly.”	<u>With the Bankruptcy Court:</u> in the first instance. <u>With the BAP:</u> if Bankruptcy Court denies motion or otherwise does not rule on it.	Movant must comply with rules regarding motions outlined above. Motion may be denied if movant does not present motion promptly.
Motion for Submission on the Briefs, or for Oral Argument Fed. R. Bankr. P. 8011; 1st Cir. BAP L.R. 8012-1	Any party	Once principal briefs are filed.	BAP	Any party may include a statement in its brief setting forth the reasons why oral argument should or should not be heard. Motions for the same purpose may be filed at any time. The Panel may dispense with oral argument if it deems it unnecessary.
Motion for Rehearing Fed. R. Bankr. P. 8015	Any party	Within 14 days after entry of judgment.	BAP	Movant must serve on all parties. A timely motion for rehearing tolls the time for appeal to the court of appeals for all parties until the entry of the order denying the rehearing or entry of a subsequent judgment.

Notice of Appeal to the First Circuit Court of Appeals Fed. R. App. P. 4(a), as made applicable by Fed. R. App. P. 6	Any party	Within 30 days after date of entry of opinion or order disposing of appeal (60 days if the United States is a party).	BAP	Appellant, other than the United States, must attach filing fee and sufficient copies for the BAP to serve all parties.
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